

## MOTIVATION REPORT: CONSENT USE AND DEPARTURE: PORTIONS 278 AND 282 OF THE FARM KRAAIBOSCH 195

### 1. Background

Portion 278 and 282 van farm Kraaibosch 195 are situated on the north side of the N2 national road approximately halfway between the George Garden Route Mall and the Victoria Bay turnoff road in the heart of the Garden Route. Both the portions are registered in the name of Garden Route Gateway Plaza (Pty) Ltd. It is the Company's intention to consolidate the two properties. A consolidation diagram has already been compiled and the consolidated property will be known as Portion 40 of the Farm Kraaibosch 195. An AFR of the approved Surveyor General Diagram is hereby attached as **Annexure "A"**. Millers Attorneys are currently in the process of registering the consolidated property in the Deeds Office in Cape Town.

The scenic view of the Outeniqua Mountains and the favourable location of the property provides the ideal opportunity to develop the property with tourist facilities aimed at the tourist, holiday ganger, the passing motorist and the resident of the Southern Cape and the family.



It intends the Company, "Garden Route Gateway Plaza (Pty) Ltd", to obtain approval through this application for the development highlighted in paragraph 5 of this report. The proposed development will be limited to Portion 278 of the Farm Kraaibosch 195 while certain smaller changes to the parking layout and internal traffic flow of the existing petrol station development on Portion 282 of the Farm Kraaibosch 195 will be made to ensure proper internal traffic flow to the development area. More detail on the smaller changes envisaged on Portion 282 of the Farm Kraaibosch is also highlighted later in the report.

## 2. Application

- Application is made in terms of Regulation 4.6 of the Scheme Regulations promulgated in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985) and promulgated at Provincial Notice 1048 of 5 December 1988 for the consent of the George Municipality to allow the following consent uses on Portion 278 of the Farm Kraaibosch 195:
  - ⇒ A nursery that includes an open-air large-tree storage space, seedling e space, butterflyspace, nursery under shade netting, a labor/berrynursery, workshop, ablutionfacility e, staff rest room and a retail decopsspace for indoor plants, pots, horticultural accessories, horticultural furniture, horticultural products, water fountains and garden ornaments.
  - ⇒ A security guard/caretaker rest room.
  - ⇒ Tourist facilities – outdoor children's play space that includes an outdoor toddlers play park, water play park, motherze andchildren's train.
  - ⇒ Tourist facilities - indoor children'sparty rooms, children'sfatherrtytjie supplies, children'splay space with "Candyland".
  - ⇒ Toeristefasiliteite – opelug amphitheatre.
  - ⇒ Tourist facilities - Tdistances that will be erected alighting Block C that will be used for arts and crafts stalls as well as outdoor entertainment, functions, singing and other festivals.
  - ⇒ Tourist facility – outdoors and indoor stalls for the manufacture and sale of products and articles as well as handmade local and homemade products and articles including "arts and crafts".
  - ⇒ Toeristefasiliteit – restaurante/deli/bakkerij/plaasstal/plaaswinkel.

- ⇒ Tourist facility – a 56 seater, 4 by 10 seater and a 144 seater facilities for hosting conferences, receptions for weddings and other functions.
  - ⇒ Tourist facility – small-scale wine and beer processing/storing/exhibiting/tasting space aimed at the tourist.
  - ⇒ Sixteen bedroom guesthouse with swimming pool.
- Application is made in terms of Section 15(1)(a)(ii) of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985) to establish a farm store to be erected on Portion 278 of the Farm Kraaibosch 195 as a chapel for hosting weddings.
- Application is made in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985) for the relaxation of the southern erf boundary building line from 30 metres to 20 metres and the northern side boundary building line from 30 metres to 5 metres in order to enable the erection of the structures as indicated on the site development plan.

The application form for the mentioned applications is attached as **Annexure "B"**.

### **3. Ownership**

#### **3.1 Registered owner**

GardenRoute Gateway Plaza (Pty) Ltd " is the registered owner of the Portions 278 and 282 of the Farm Kraaibosch 195.

#### **3.2 Title bow with**

Portions 278 and 282 of the Farm Kraaibosch 195 are registered in the name of Garden Route Gateway Plaza (Pty) Ltd "in the Deeds Office in Cape Town. Copy of the title deed of both portions is attached hereby as **Annexure "C"**.

#### **3.3 Volmag**

A power of attorney appointed by Jan Vrolijk Town Planner / Town Planner by André Calitz to handle the townplanning application on behalf of Garden Route Gateway Plaza (Pty) Ltd is attached as **Annexure "D"**.

### **3.4 Mortgage holder's permission**

There is no bond registered on Portions 278 and 282 of the Farm Kraaibosch 195. However, there are covert mortgages registered in favour of Nedbank over the properties. Permission has been requested from the Nedbank and will be provided to you as soon as they are received.

## **4. GENERAL INFORMATION REGARDING PORTIONS 278 AND 282 OF THE FARM KRAAIBOSCH 195**

### **4.1 Ligging**

Portions 278 and 282 of the Farm Kraaibosch 195 are situated on the north side of the N2 towards signal road, halfway between the N2/Knysna Road interchange and the Victoria Bay turnoff road. The two portions are located on the north-east of the junction of the Welgelegen residential area access road at the N2 national road.

The location of the two sections is shown on the plan attached hereto as **Annexure "E"**.

### **4.2 Existing soils**

Portion 278 of the Farm Kraaibosch 195 is vacant at this stage and is not used for any purpose. However, the property is fenced off.

Portion 282 of the Farm Kraaibosch 195 was developed with a SASOL service station with its supporting convenience store and restaurant.

### **4.3 size**

Portion 278 of the Farm Kraaibosch 195 has an area of 5.9773 hectares, while Portion 282 of the Farm Kraaibosch 195 has an area of 1.1790 hectares. The two properties therefore have a combined area of 7,1563 hectares.

#### **4.4 Currentsing-over**

Portion 278 of the Farm Kraaibosch 195 is in terms of Scheme Regulations promulgated in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985) and promulgated at Provincial Notice 1048 of 5 December 1988, Agricultural One I zoned while Portion 282 of the Farm Kraaibosch 195 Business Zone V is zoned.

#### **4.5 Surveyor General Diagramme**

The LandMeter General Diagramme of Portions 278 and 282 of the Farm Kraaibosch 195 is attached as **Annexure "F"**.

#### **4.6 Serwitute**

There is a right of way servitude and a water pipeline servitude registered over Sharede 278 of the Farm Kraaibosch 195. There is also a right of way servitude and a water pipeline servitude registered over Portion 282 of the Farm Kraaibosch 195.

The servitudes and its position are evident from the Surveyor General Diagramme attached hereto as **Appendix "F"**.

### **5. ONTWIKKELINGSVOORSTEL**

#### **5.1 introduction**

A draft uerindevelopment plan depicting the development proposal was drafted and attached hereby as **Annexure "G"**. The site development plan shows not only the position and concept layout of the future structures but also all access roads, parkingspace s, walkways, proposed landscapedspace s, etc.

The various land uses proposed will be housed in various buildings on the property. Five structures and fifteen outdoorspaces are represented each with its own individually character and appearance. The different blocks and outdoor spaces will switch together functionally and meaningfully to give the development an exceptional tourism orientated development character. The development will therefore flow meaningfully from one building through the outdoor spaces to other buildings to create an exceptional experience for the tourist/visitor.

The various blocks and outdoor spaces will subsequently be discussed in more detail.

## 5.2 Blok A en buiteruimte 15

### 5.2.1 introduction

The draft structure layout, area and parking proposals for Block A are indicated on the plan attached hereto as **Appendix "H"**. The structure will accommodate the following uses, namely a erks store, staff rest rooms and caretaker, ablution facilities and delivery space.

This seedling space (outdoor space 15) will be located west of this structure while a delivery point, motors with caravan/boats/trailers stands will be developed south of the structure. A large tree storage space will be installed on the section of land to the west of the Welgelegen road. The portion is also shown as Portion 15. The uses and outdoor space will subsequently be discussed in more detail.

### 5.2.2 Waenhuis

Block A will house a wagon house from where the maintenance of the entire development site will be undertaken. With maintenance, not only are the maintenance of buildings but also referred to maintenance of the gardens, parking spaces, outdoor facilities, outdoor play equipment, etc. Maintenance of a development such as starters is extensive and a proper wagon house is therefore required to ensure that maintenance can be undertaken effectively. The wagon house will also serve as storage space for the storage of implements and vehicles used in the maintenance of the site.

### 5.2.3 Rest room for staff

A fully densely equipped rest room which will include shower facilities and personal lockers will be placed at the disposal of all staff employed on the property and who wish to make use of it.

### 5.2.4 Rest room for the Opsychedes

By the nature of the scope of the development it is of the utmost importance that a person should always be available on duty on the property for 24 hours to look after the development and any unforeseen circumstances/matters. It is therefore the intention of the Company to appoint a security officer/site setup. In order to fully achieve the goal, it is necessary that such person sometimes have to stay on the property itself overnight. It is therefore the intention of the Company to erect a rest room for the security officer/site in a section of Block A. The resting room will consist of a sleeping space "kitchenette" and bathroom and will have an area of approximately 20m<sup>2</sup>.

### 5.2.5 Buiterruimte 15

The large-tree and seedlings space will simply be used for exhibiting and storing large trees, shrubs and seedlings. The area used for this purpose is dropout land located at a lower level along the Welgelegen access road and does not truly make sense of the total development. The photo below gives an indication of the large-tree storage space being visualized.



### 5.3 Block B and loot spaces 1 and 2

#### 5.3.1 introduction

It intends the Company to establish a fully-fledged nursery on the Shared278 of the Farm Kraaibosch 195. The nursery will include an open-air large-tree storage space, seedling space, butterfly space, nursery under shading netting, arbei/berry nursery, plant estoor and a retail sales area for indoor plants, pots, horticultural accessories, horticultural furniture, horticultural products, water fountains and garden ornaments.

The nursery will be spread across three spaces namely a nursery/plant shed, an outdoor section and a nursery retail division. The nursery/plant shed will be housed in Block B while the nursery's retail division will be housed in Block C. The outdoor section of the nursery will consist of a butterfly space, nursery



under shade netting and a berry space. The spaces are shown as outdoor spaces 1 and 2 on the site development plan attached hereto as Appendix "G".

The draft structure layout, area and parking proposals for Block B are indicated on the plan attached hereto as Appendix "I".

### 5.3.2 Stoor

A storage will be developed as part of Block B. The storage will be applied mainly for storage of compost, potted plant land, fertilizer, pots, horticultural accessories, horticultural furniture, horticultural products, water fountains, etc.

### 5.3.3 Kwekery/plantestoor

Part of the nursery and a plant store will be housed in Block B, while the retail division of the nursery will be housed in Block C. The portion of the nursery and the plant store will be used in conjunction with the nursery's retail division. Indoor plants, pots, horticultural accessories, garden furniture, horticultural products, water fountains and garden ornaments that will be put up for sale in the nursery's retail department (Block C) will be stored in bulk in the plant store where customers can pick out their item and come and collect it after purchasing from the nursery's retail division in Block C.

Within the plant store, offices are also proposed from where the management and administration of the nursery will be undertaken.

### 5.3.4 Buiterruimtes 1 in 2

Omliggend tot Block B will be the butterfly space, nursery that will be covered by shade netting and the labor/berry nursery being developed. These ruimtes will connect functionally to Block B and will be managed and operated from Block B.

Outdoor space 1 is the portion of the nursery that will be placed under shade netting. In the portion, outdoor plants will be exhibited for sale. Ornaments, garden furniture, fountains of water, etc. will also

be exhibited in the section as decorating elements in order to provide the portion with a garden landscape atmosphere. The photographs below give an indication of the quality of the exhibition space envisaged as well as an indication of the atmosphere to be created through this space.



Outdoor space 2 is theedeelte to be planted with strawberries/berry where the public and tourist will have the opportunity to pick strawberries and berry themselves. The berry and strawberries will be planted andgrown in bakke/gutters that hang. The photo above is not indicative of the proposed trays/gutters.

A butterfly hatchroom that forms part of outdoor space 1, which is accessible to thevisitors, is also visualized as part of this part of the nursery. Butterfly will be bred in the breeding room and will be released to fly under the shade net after hatching.

The photos below give an idea of what is envisaged with the butterflies.



Special short training tours for the young child/scholar targeted at the butterflybreeding room and strawberry/berry quincultivation will be offered.

#### **5.4 Blocks C and loot spaces 3, 4, 5, 6, 7, 8, 9, 10 and 11**

##### **5.4.1 introduction**

The draft structure layout, area and parking proposals for Block C are indicated on the plan attached hereto as Appendix "J". Block C will accommodate the following uses, namely:

- Kweeks drive retail sales space for indoor plants, pots, horticultural accessories, garden furniture, horticultural products, water fountains and garden ornaments.
- Restaurante/deli/bakkerij/plaaswinkel/plaasstal/curios and "arts and craft" salesspace.
- Children's party rooms, children's parties needed, children's play area with "Candyland".
- Indoor stalls for manufacture and sale of handmade products and articles including "arts and crafts".

The structure will be planned on an open plan principle with the different uses and exhibition spaces flowing into each other and connecting and mixing with each other. The various uses will therefore complement and complement each other that will give the structure an exceptional character and atmosphere. A windmill that will give this structure a special character will be erected on top of the roof of the structure.

Adjacent to this structure, the outdoor children's space that will include a children's play park, maize, water play park and children's train will be developed. Furthermore, the amphitheatre, outdoor stallionjies and tents for use during special functions/festivals will also be developed within this space.

The various uses and outdoor spaces will subsequently be discussed in more detail.

##### **5.4.2 Windmill**

A windmill is going to be developed on top of Block C. The windmill is going to form the main focus point of the total development and of Block C. This windmill with the uses connected to it will create a

consumer space that is completely unique in the Southern Cape and which will develop into a major tourist attraction.



The windmill itself will be used as a mill for grinding coffee beans, wheat, etc. The ground products will then be used in the Block C and put up for sale.

Part of the roof space of a Block C, which is situated around the windmill, will be set up as a view area and tea garden from where visitors can enjoy not only a special view of the development itself but also across the Outeniqua Mountains and the Indian Ocean.

Four 10 seat conferencerooms, an office for the manager of the facilities that will be housed in this structure, as well as a small storage space will also be developed as part of the windmill.

#### 5.4.3 Kwekery kleinhandelverkoopsruimte

Part of the structure will be installed as the retail selling space of the nursery for the sale of indoor plants, pots, horticultural accessories, garden furniture, horticultural products, water fountains and garden

ornaments. The space will form an extension and integral part of the outdoorair nursery, to be developed under the shade net. Plants,garden ornaments, water fountains and garden furniture that will be put up for sale will also be placed at strategic points throughout the structure to give this structure an attractive garden atmosphere.



#### 5.4.4 Restaurant

The successful farmroadstable restaurant, primarily aimed at the passing motorist and currently operated from the Sasol Service Station, will be extended to this structure. The restaurant will be of

an open plan format. The restaurant will consist of two sections with the one section that will now link up with the children's play space and children's parties so guests have supervised with children while the children enjoy the play space and parties.



The other part of the restaurant will join the deli/bakery/farm shop/farm stall/curios and arts and crafts selling space to be developed in the structure. Both the portions will spill over into outdoor patio/deck (outdoor space 7) which will light up the outdoor nursery and amphitheatre located.

#### 5.4.5 Deli/ bakery/ plaaswinkel/plaasstal/curios and "arts en craft" sales area

This section of the structure will consist of different sales areas where a variety of items and products related to "arts and crafts", bakery, home industry, delicatessen shop, farm shop, farmstall, will be put up for sale in an attractive landscaped omgew.

The photos below give an indication of the uses that will be accommodated within this space. As evidenced by the photographs, the space will therefore have a unique layout, customs and atmosphere that will make the space special and unique.







Special classes/courses/kompetis for the scholar aimed at baking and cooking will also be offered from this space.

#### 5.4.6 Indoor children's party rooms, children's parties needed and children's play area with "Candyland"

It intends the Company to create an indoor play space for children where children can be entertained while their parents visit and enjoy the various consumer spaces. The children's play space will have an area of approximately 900m<sup>2</sup> and will be equipped with the latest and most modern play equipment and apparatus.

Anilggend to the children's play space, differences will be installed a de-rooms with different parties from where children's parties can be hosted. This particular area will be supplemented with a Candyland where all kinds of treats directed to the child will be put up for sale. The area will therefore be developed exclusively with the child in mind. As already pointed out earlier in this report, this play space will now link with the farm stall restaurant. A k unsprojection area aimed at the child will also be developed as part of the space.

The photos below show the layout and development envisaged with this space.



5.4.7 Indoor stalls for manufacture and sale of handmade products and articles including "arts and crafts"

A space will be created within the structure where indoor stalls will be developed where handmade products can be manufactured, exhibited and sold. The stalls will be occupied on a part-time and full-time basis so that the crafters are afforded the opportunity to manufacture, exhibit and sell their

products and articles on a full-time basis within an existing well-developed tourism orientated milieu. The artists and the tourist/buyer will be offered the opportunity to meet and connect with each other within space.



#### 5.4.8 Buiterruimtes 3, 4, 5, 6, 7, 8, 9, 10 in 11

Outdoor spaces 3 involves outdoor play space for children with a wide variety of outdoor play apparatus to be erected on these play spaces. The play apparatus includes climbing frames, swings, jumping castles, tipping boards, etc. The location of the play space is placed in such a way that the children are still in contact with their parents who visit the deli/bakery/farmshop/farm stall/curios and "arts and crafts" sales space. The photos below show typical play apparatus that will be placed on the section.





Outdoor Space 4 involves a "maze" that will be at the disposal of all visitors to the development.



Outdoor Space 5 forms the lowest portion of the property and the area lends itself to being developed with a water element. The water element will be a built pool/structure and which will not exceed a depth of half a meter. Treadboats will be available to move around on the water element. The photos below give an indication of the water element and the type of treadboats envisaged.



Outdoor space 6 and 8 also form part of the lowest portion of the property here and the area lends itself to being developed as an amphitheatre. The amphitheatre will be developed around the water play park with a stage that will be developed on the edge of the water play park. A wide variety of functions will be presented from the amphitheatre, such as performances, artists' performances, etc.



Outdoor space 9 is an area where stalls will be allowed. An outdoor farm market will be operated on a regular basis from these stalls. The stalls will also be operated when festivals, expos etc. are presented on the property. It is also the intention to erect a number of tents on b10 exhibitions that will be made available for the special functions, expos and festivals.

Outdoor Space 11 involves a children's train that will ride on a rail throughout the development. The photo below shows the type of child train that will be made available.



## 5.5 Block D and loot spaces 12 and 14

### 5.5.1 introduction

The draft structure layout, area and parking proposals for Block D are indicated on the plan attached hereto as **Appendix "K"**. Block D will accommodate the following uses, namely:

- Konferensiefasiliteite
- Hall of Social Events (receptions for weddings and other functions).
- Restaurant and claynscale wine and beerprocessing/storing/exhibiting/tasting space aimed at the tourist

The various uses will subsequently be discussed in more detail.

### 5.5.2 Konferensiefasiliteite

The Company intends to develop a state-of-the-art conference facility that will each offer seating to 56 persons in a section of the structure. The conference centre will be equipped with the latest technological aids and will have all modern facilities associated with a five star conference centre.



### 5.5.3 Hall for social events

The Company also aims to develop a state-of-the-art hall for social events, which can accommodate functions/receptions of up to 144 persons, within the structure.

It also intends the Company to develop a portion of the property with a view to also marketing the development as a Wedding Venue. This hall will also be marketed as an onthaal hall for weddings. The restaurant/chapel/guest house will form an integral part of this Wedding Venue. Outdoor spaces adjacent to the structure will also be specially ended up that can serve as an area where wedding photos can be taken.

The facilities will however also be made available for other functions such as office functions, birthday/engagement facilities etc.



#### 5.5.4 Restaurant and scalewine and beer processing/storing/exhibition/tasting space aimed at the tourist

It intends the Company to erect a portion of the structure as a typical winery and beer brewery, although wine and beer will not be manufactured on the property. Hops will be planted annually on an area north of the structure (outdoor space 12). Verder will be planted vineyards on the open areas around the development. The vineyards are shown as outdoor space 14. Various wine and beer types will be exhibited in bulk in barrels and wine cylinders in this space.





The exhibition space will be supplemented with a luxury restaurant where visitors can enjoy some of the wines and beers stored and exhibited in the barrels. A special section will also be collected where visitors can taste the wine and beer under professional accompaniment and eventually order as well. Special label bottling will also be undertaken from the part at the request of clients.



## 5.6 Block E

The Company has also identified a need for accommodation where guests can overnight after a congress/wedding/function, especially guests coming from a far time. Block E will consist of a 16 bedroom guest house. The guesthouse will also include a luxury honeymoon suite. Although the guesthouse will mainly be aimed at providing accommodation for persons visiting facilities on the property itself, it will however also be available to the passing tourist. A private swimming pool will be developed as part of the guest house.

The draft structure layout, area and parking proposals for Block E are indicated on the plan attached hereto as Appendix "L".

## 5.7 Block F and loot space 13

The Company is of the view that the convenient location of the property, the scenic views of the Outeniqua Mountains as well as the atmosphere to be created by the proposed development, create the ideal opportunity to host weddings from the development. As mentioned earlier in the report, a hall for social functions, which may include wedding functions, will be provided in Block D.

Due to the fact that the reception hall is located relatively far from George and therefore it takes a reasonable time to move from any church in George to the reception hall, the Company has received a need for a chapel adjacent to the reception hall. A chapel with a maximum seating capacity of 120 persons is envisaged. The chapel will be placed in such a way that it will be a meaningful and attractive manner to join the guesthouse and the social hall in Block C. The chapel will not be used for any other purpose. The draft structure layout, area and parking proposals for Block F are indicated on the plan attached hereto as Appendix "M".



Outdoor space 13 which is adjacent to the guesthouse and chapel will be developed with a private swimming pool surrounded by an ornamental garden. The outdoor space will be made available for taking wedding photos.



**5.8 Changes proposed on Portion 282 of the Farm Kraaibosch 195**

As mentioned earlier in the report, Portions 278 and 282 of the Farm Kraaibosch 195 have already been consolidated in the Office of the Landmeter General and the registration of the consolidated property in the deeds office has already been edited. The consolidated property's only access is from the Welgelegen road.

In order to ensure the meaningful flow of stock from the Welgelegen road to the proposed development, certain smaller changes to the site layout around the petrol station are proposed. A specific "passing lane" is created on the north side of the petrol station which will serve as a one-way access to the development. The current play area located south of the petrol station will be removed to cater for exit and bus stands. At the current stage, the petrol station premises is used as the up and drop off point of passengers of all long-haul passenger buses (Interkaap, etc.) and a specific area will be created where passengers can be on and offloaded. Traffic will be channelled from these 'pass lanes' proposed around the petrol station to the parking areas of the development.

## **5.9 Parkingspaces**

Approximately 475 parking bays with a number of tour bus/caravan space sites have been provided in landscaped parking areas on the premises. Further detail regarding the parking is provided in paragraph 6.8 of this report.

## **5.10 Landskapering**

The spaces between and around the structures will be landscaped to a high level to give this development a rural character. Vineyards will be planted on the larger undeveloped portions of the property to join this character. A row of Olive trees to be planted in pots will be provided between the N2 national road street boundary fence and the first row of parking bays.

Furthermore, strategically placed landscaped walls will also be attached to the structures and on the property to ensure that the "green" effect created will be further strengthened.



### 5.11 fence

The property will have to be shielded along the N2 national fence with a durable "clear view fencing" heining off the N2 national road.



A more affordable fence will be installed along the northern boundary of the property.

### 5.12 enumeration

As can be derived from the above paragraphs, a unique tourism development is visualised above that will definitely make a positive contribution to the strengthening of the tourism industry in the Southern Cape. The development will therefore be an asset and asset to George and his environment.

## 6. DESIRABILITY OF APPLICATION FOR CONSENT USE AND DEVIATION

### 6.1 introduction

The concept of "desirability" in the context of land use planning can be defined as the degree of acceptability of the land use(s) on the land unit concerned. According to the municipal application form for a land use change, the desirability of the proposed land use change must be discussed according to the following aspects:

- Physical properties of the property;
- Desirability of the proposed zoning and land uses;
- Compatibility of proposal with existing planning documentation, structure plans, legislation and policies;
- Compatibility of suggestion with the character of the environment within which it is located;
- Toegange en toeganklikheid;
- Parking; one
- Availability of services.

The Land Use Planning Ordinance, 1985 (Ord 15 of 1985) contains a very pertinent general determination that lays down the basis according to which an application can be denied. Article 36 of Ord 15 of 1985 read as follows:

*"36 (1) Any application under Chapter II or III may only be denied on the basis of desirability of the proposed use of the land concerned, including the guideline proposals contained in a relevant structure plan insofar as it relates to desirability, or on the basis of its effect on the existing rights (other than any alleged right to protection against trade concurrency).*

*(2) where an application under Chapter II or III is not refused by virtue of the matters mentioned in subsection (1) of this section, may, when considering the relevant particulars, only the safety and well-being of the members of the community concerned, the preservation of the natural and developed environment concerned or the effect of the application on relevant existing rights (excluding any alleged right to protection against trade concurrency) be taken into account."*

It will be shown in the following paragraphs that the proposal is indeed considered desirable as required in terms of the provisions of Ord 15 of 1985.

## **6.2 Physical properties of the property**

### **6.2.1 topography**

Portion 278 of the Farm Kraaibosch has an even downward slope from the north in a southward direction and from the south in a northward direction with the centre of the property forming the low point. The low point is located along the northern boundary of the property. This is the area that will also be used for the amphitheatre while the structures are to be developed on the flatter northern and southern part of the property. The topography is of such a nature that the development can be accommodated on the property without large groundworks. The topography therefore places no limit to the development.

### **6.2.2 Bodemtoestande**

The property is located within the geological formation known as Formation Caymans. The oldest rocks in the George area belong to the Formation Caymans previously ranked among the Malmesbury Group. Portion 278 of the Farm Kraaibosch No 195 is situated within the Sheep's Head/Sandkraal formation. The formations consist of a greenish quartzite covered by a gray shear-like layer of topsoil.

Due to the high clay content of the soil, precautions should be taken with the erection of any structures. The aspect will be thoroughly considered when the construction phase will commence. No problems are currently being experienced with the construction of other structures in the area and there is therefore no reason to suspect that problems will be experienced in this case.

No fillings and or excavations are also found on the property and the soil conditions are therefore still in its natural state. Bottom condition therefore plays no role in determining the desirability of the application.

### 6.2.3 Vegetation

As evidenced by the photos below, the property is mainly overgrown with grassland. The grassland is cut with a bush sickle on a regular basis. A row of alien trees is located on the northern yard boundary of the property while alien trees also occur on the south-eastern corner of the property. It intends the Company to remove the alien trees with time, as the development progresses. The property will be landscaped properly eventually with the emphasis on indigenous vegetation. Vegetation therefore plays no part in this application.

### 6.2.4 Vloedlynand

Portion 278 of the Farm Kraaibosch 195 is not affected by and many floodlines. Therefore, this aspect is not relevant.

### 6.2.5 Summary

From a physical site point of view there is no reason why the applications cannot be supported.

## 6.3 Proposed zoning and land use

Portion 278 of the Farm Kraaibosch 195 is in terms of Scheme Regulations promulgated in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985) and promulgated at Provincial Notice 1048 of 5 December 1988, Agricultural One I zoned. With the exception of the chapel proposed, all the proposed land uses are uses that may be allowed on the property with the consent of the George Municipality. Only the chapel will be handled as an application for deviation. No rezoning of the property will therefore take place. The uses therefore resort to the provisions of the Section 8 Scheme Regulations.

After consolidation of the Portions 278 and 282 of the Farm Kraaibosch 195, the consolidated erf will have a coverage of 19% and a floor space ratio of 0.16. The provision of parking is discussed in more detail in point 6.8 of this report.

No structure will be placed within 20 metres from the N2 nationaladres boundary or 5 metres from the northern side boundary.

With the exception of the Windmill, the height of the development will be limited to ground-level development alone. The site development plan attached to this as **Appendix "G"** gives an indication of the view of the development as seen from the N2 national road.

## **6.4 Compatibility of proposal with existing planning documentation and policies**

### **6.4.1 Incharge**

Different planning documents apply to this application. The desirability and compatibility of proposal in accordance with the development proposal will subsequently be discussed according to the different planning documents applicable to the field.

### **6.4.2 Western Cape Provincial Spatial Development Framework (WC PSDF)**

The Western Cape Provincial Spatial Development Framework is one of the most important planning guidelines in the province. The framework not only makes provision for a new spatial development pattern for the Province, but also clearly points out where development may take place and where it may not take place. The ultimate goal is to create a more effective urban environment and conserve the resources of the province for posterity.

In paragraph 4.3.7 of the Western Cape Provincial Spatial Development Framework the following statement is made:

*“By the year 2010 the Western Cape will be recognized as a premier international destination for commerce and tourism based upon achievement of excellence in nature conservation and utilization,*



*preservation of heritage, technological advancement, development of contemporary culture and strength of civic pride."*

It is further pointed out that the tourism industry in the Wes Cape, despite a globally wide decline in tourists, has continued to grow over the past number of years and that the success achieved can be attributed to various aspects.

The document further identifies a number of "Tourism Development Areas" and George-Mossel Bay-Oudtshoorn is identified as a development area in the document. According to the document, the identification of these areas will result in tourism being aimed at the identified areas, thus creating investment and job creation opportunities within the areas. Tourism therefore plays an important role in the development of the Province, according to the document.

As mentioned earlier in the report, the development proposal is aimed at tourism and the development proposal will positively contribute to the expansion and widening of the tourism base in the Southern Cape.

Another very important overarching guideline laid down is that any development must be self-sufficient. It therefore implies that *"the development needs of the present generations should be met without the ability of future generations to measure their own needs, being compromised."* The development proposals envisaged with the application should therefore not place a burden on George's future residents.

The development proposed with this application will be self-sufficient and will not place any burden on the future residents of George. The proposal actually has no impact on any resident of George. The only persons influenced by the proposal are the Company itself. However, the Company is of the opinion that the development will indeed be successful and self-sufficient.

The development will in fact make a positive contribution to the improvement of the quality of life of certain residents of George because it will make an increased contribution to the property base and the structure of the George Municipality and also create a large number of permanent jobs.

The proposal therefore falls within the broad context of the WesternCape Provincial R Economic Development Framework.

#### 6.4.3 Integrated Development Plan vir die Eden Distriksmunisipality

In terms of the Development Plan, tourism is identified as the sector with the biggest growth and development potential in the Eden District area. The Development Plan enables the area to offer a wide variety of recreational areas on the tour wide spectrum of tourist facilities.

The following extract from the Development Plan further provides an indication of the important role that tourism plays in the development and growth of the region according to the Development Plan:

*“Tourism has huge potential to stimulate sustainable growth and development in the EDM. The region has a wealth of unique tourism resources, the primary intrinsic attributes being the exceptional aesthetic quality and uniqueness of its landscapes, a range of natural and cultural resources, a diversity of communities with unique cultures, and unique agricultural enterprises and land use forms.*

*Other primary intrinsic attributes of the planning area include the scenic quality and uniqueness and variety of its landscapes, a range of natural and cultural resources, a diversity of communities with unique cultures, and unique land-use forms.*

*Tourism is a cost-effective provider of employment, with strong linkages to the local economy, and it represents a substantial multiplier effect. Ecotourism, in particular, can provide economic justification for the conservation of areas that may otherwise not receive protection, and generate revenue for the management of these areas, and the upliftment of local communities. However, tourism also has the potential for having a huge impact on the environment. Being one of the least regulated industries, tourism has the potential to induce devastating environmental and cultural changes. It is therefore important to develop tourism in a **sustainable** manner.*

*To ensure sustainable growth and profitability in the tourism industry, the following*

*challenges need to be faced:*

- a) A substantial portion of the tourism benefits must find its way into the local communities.*
- b) 'Practice what we preach' in tourism developments and operations (e.g. ensure that all new developments in the natural environment qualify as 'unobtrusive' and 'environment-friendly').*
- c) Integrate the cultural and natural heritage when putting together tourism packages.*
- d) Re-invest a substantial portion of tourism profits in the maintenance of the cultural and natural resources.*
- e) Create a strong element of ecological and cultural awareness with tourists in order to ensure sustainability. "*

According to the Development Plan, the key to self-sustaining tourist facilities is included in the following:

- a) "Provision of high-quality and authentic tourism 'products'.*
- b) Effective educational programmes that promote an understanding of the tourism products with both the tourists and the local communities.*
- c) Effective marketing of the tourism products with the purpose of attracting specific types of tourists.*
- d) Appropriate management of the tourism resources in order to ensure their sustainability. "*

The development proposal fully complies with the key requirements highlighted above and therefore meets the objectives and vision contained in the Integrated Development Plan for the Eden District Municipality. The proposal can therefore be regarded as compatible with the development plan.

#### **6.4.4 George Spatial Development Framework (ROR), May 2013**

In paragraph 4.3.4 (a)(i) of the George Rimteal Development Framework (ROR), May 2013 specific mention is made of the Victoria Bay area and the vision of the Council for the area is clearly highlighted. The vision is as follows:

*"Victoria Bay is a small seaside resort and well-visited recreational area. Kraaibosch South is predominantly a rural residential area. The area's topography, the Kaaiman's River and built character*

*is unique, and has contributed to its increased popularity as a place of recreation, vacation and permanent living. There are approximately 50 dwellings in the Victoria Bay rural area, 12 dwellings in the seaside settlement and four dwellings along the Kaaimans River.*

*The Municipality will maintain the present environmental, rural and settlement character of the area. To this end it will:*

- *Restrict development in Victoria Bay to existing building footprints and height.*
- *Manage applications for subdivision and land use in the surrounding area in a manner that maintains the rural and scenic character of the area and do not place an additional burden on service infrastructure.*

*Detailed directives for the development and management of Victoria Bay/ Kraaibosch South are contained in the Draft Victoria Bay/ Kraaibosch South Local Structure Plan (Spatial Development Plan), May 2009. "*

The document further states that detail guidelines for the development and management of the area will be contained in the draft Victoria Bay/Kraaibosch South Local Structure Plan. The proposals contained in the draft structure plan are discussed in point 6.4.5 below.

#### **6.4.5 Konsep Victoria Bay/Kraaibosch South Plaaslike Struktuurplan**

One of the main objectives of the concept Victoria Bay/Kraaibosch South Local Structure Plan is the strengthening and promotion of tourism. The purpose of this application is to create facilities aimed at the tourist and the application and development proposal is therefore in line with the main objectives of this draft structure plan.

The concept Victoria Bay/Kraaibosch South Local Structure Plan is divided into a number of developments "precincts" each with its own development proposals and development principles. It will subsequently be indicated how the development proposal herejoins.

In terms of the concept Victoria Bay/Kraaibosch South Local Structure Plan, Portion 278 of the Farm Kraaibosch 195 is situated in "Precinct C". According to the draft structure plan, the "precinct" is characterized by a degraded unused sawmill and a service station and the development opportunities for 'Precinct C' are geared toward tourism.

The draft structure plan then goes further and makes in Table D in the report specific proposals around the land uses that can be considered in each "precinct." The draft structure plan then also proposes the following uses for properties located in "Precinct C".

- *“Small scale rural holiday accommodation (e.g. farm stay, B & B, guesthouse, boutique hotel).*
- *Tourist facilities.*
- *Rural lifestyle retail.*
- *Function venue facility.*
- *Conference facilities.*
- *Farm store and farm stall.*
- *Farmers market.*
- *Home occupation (farm product processing).*
- *Local product processing (e.g. winery, dairy and olive pressing).*
- *Rural recreational facilities (e.g. riding school).*
- *Place of instruction.*
- *Nursery.*
- *Filling station.*
- *Strict control over signage and advertising signs.*
- *Views of mountains and rural landscape from the N2 national road may not be compromised.*
- *Visual impact of buildings and development along the N2 national road must be reduced through the use of visual buffers and innovative design.”*

The uses envisaged with this application are uses that can be accommodated within the above list. The proposal is therefore in accordance with the land uses proposed in terms of the provisions of the draft structure plan for the property.

#### 6.4.6 Article 8 Skemaregulasies

The handling of the application within the provisions of the section 8 scheme regulations has already been discussed in full in point 6.3 above.

#### 6.4.7 Titelakte

Although the title deed of a property is not a planning document, it sometimes contains conditions that have a significant impact on the development potential of a property.

The title deeds of Portions 278 and 282 of the Farm Kraaibosch 195 were studied and contained no conditions that prevent the development of the land uses as proposed.

No problem is therefore foreseen in this regard.

#### 6.4.8 Summary

As evidenced by the above, the application can be regarded as desirable in terms of existing planning documentation.

### 6.5 Compatibility of application with other legislation

#### 6.5.1 National Environmental Management Act, 1998 (Act 107 of 1998)

The development proposal does not activate any listed activity in terms of regulations made in terms of the National Environmental Management Act, 1998 (Act 107 of 1998). The legislation therefore does not apply to this application.

#### 6.5.2 Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)

No subdivision or rezoning of the property takes place. Act 70 of 1970 therefore does not apply to this application.

### 6.5.3 National Roads Agency Limited and National Roads Act, 1998 (Act 7 of 1998)

As the development was gained access from the N2 national road via the Welgelegen road, SANRAL is therefore an interest group in this application. The application has been referred to SANRAL for their comment. As soon as the comments are received from SANRAL, it will be handed over to the George Municipality.

### 6.6 Character of the environment waawithin the development is located

Although the George and Environment Urban Structure Plan, 1985, was withdrawn, the plan played an important role in establishing the current land use pattern/character found along the part of the N2 national road between the Victoria Bay turnoff road and the N2 interchange at the Garden Route Mall. The development is to a large extent aimed at the tourist and includes, amongst others, the following uses, namely an extensive farm market, antiques dealer, a hotel, a caravan park, 2 filltaxles, farm stalls, restaurants, conveyommodation facilities, wholesale nursery and a tourist facility (snake park). The part of the N2 national road is therefore characterised by tourism-oriented developments located on either side of it. The proposal of the Company links directly to this and can therefore be regarded as supportive and complementary to the existing character found along the N2 national road. The proposal is also in line with the character that is visualised in the concept Victoria Bay/Kraaibosch South Local Structure Plan for the area.

### 6.7 Accessibility

The success of any facility of the magnitude and nature as proposed is to a large extent linked to its accessibility. The property is adjacent to the N2 national road and gains access via the Welgelegen road which is directly connected to the N2 national road. Accessibility is therefore one of the great assets of the development.

### 6.8 parking

Approximately 475 parking bays with a number of tour bus/caravan stands will be developed in landscaped parking areas on the area situated between the N2 national road and the proposed structures. The area will be planned as a "green" area with much emphasis on landscaping. It is the aim of the Company to provide the development a "green" appearance from the N2 national road.

The number of parking bays provided is based on the surfaces and parking ratio attached as **Annexure "H"** to Annexure **"K"**. The Company is of the u-doubt that the number of parking bays to be provided should be sufficient and that it will meet the need of the development. The parking is laid out in such a way that traffic can move meaningfully and in a logical way within the parking area.

## **6.9 Services provision**

Sewage removal will be addressed over the short term through a system of extracted tank e. The Company is aware of the fact that the George Municipality is planning a sewage system for the Kraaibosch area. Should the system be implemented, the development will be connected to this sewer system.

A municipal water system is found in the area and the development will join the water system. Water saving measures will be installed in the construction of the facilities and furthermore rainwater storage tanks will be installed at strategic points.

An electricity network serves the area and the nets will be joined. With the development of the current Sasol petrol station premises, a mini substation was met at the expense of the Company, which also supplies the needs of any future development envisaged by the Company on Portion 278 of the Farm Kraaibosch 195. The Company intends, however, to implement water saving measures. All structures will be provided with solar panels. Heating of hot water heaters will be done by means of gas while all kitchens will also be fitted with gas cooking as far as possible.

An engineering firm will be appointed by the Company to design and plan the internal services in conjunction with the services departments of the George Municipality. The engineering firm will also oversee the installation of the services.



As evidenced by the content of the above-mentioned paragraphs, the provision of services creates no problems and from the point of view there is no reason why the applications cannot be approved.

## **7. DESIRABILITY OF APPLICATION FOR BUILDING LINE RELAXATION**

The property to be affected by the proposed building line relaxation along the northlike border has an agricultural zoning at this stage and is situated further beyond the urban edge of George. The properties can only be utilised for agricultural purposes and the consent uses linked to it at this stage and therefore have a low development potential. The development is situated further south of this agriculturally zoned property and, as such, will not significantly affect the development potential, privacy, sunlight and views from here the agriculturally zoned properties. It must also be kept in the day that the building line relaxation does not apply to the full length of the erf boundary, but only to small portions where buildings and structures will be developed over the top of the building line. Since the adjacent properties are overgrown with natural field grasses at this stage, this limited building line relaxation is in fact not even going to be noticed.

Insofar as the building line relaxation along the N2 national road is proposed as a 20 metre building line. The building line is of such a nature that it will not lead to any sight or traffic movement problems along the part of the N2 national road. Furthermore, the 20 metre building line will be properly landed which will give an aesthetically pleasing appearance to the section of the N2 national road.

It is therefore argued that the building line relaxations exist that there is no reason why the building line relaxations cannot be approved.

## **8. Conclusion**

In terms of the contents of this motivating report, the applications are desirable and no reasons why the applications cannot be approved.

